

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

PHILLIP CLAYTON,

Plaintiff,

v.

**1:10-CV-1079
(TJM/DRH)**

**COMMUNITY LAND TRUST; BEVERLY BURNETT;
ROGER LEWIS; and CONNIE CHAVEZ,**

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

In a Report-Recommendation and Order dated November 30, 2010, United States Magistrate Judge David R. Homer recommends that this *pro se* action commenced pursuant to 42 U.S.C. § 1983 “be dismissed in its entirety without prejudice pursuant to Fed. R. Civ. P. 16(f)(1)(C) and 37(b)(2)(A)(v) for failure to comply with the Court’s September 20, 2010 order.” Dkt. # 7.

Plaintiff has not filed objections to the Report-Recommendation and Order and the time to do so has expired.

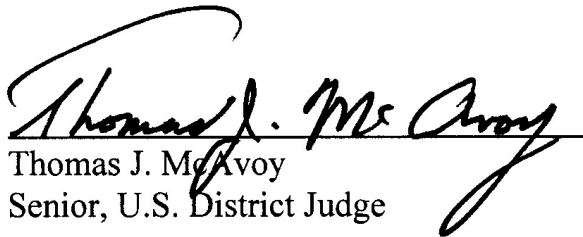
The Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation and Order for the reasons stated therein.

It is therefore,

ORDERED that the complaint in this action is **DISMISSED** in its entirety without prejudice.

IT IS SO ORDERED

DATED: December 25, 2010


Thomas J. McAvoy
Senior, U.S. District Judge